



FASULO GIORDANO & DI MAGGIO, LLP

ATTORNEYS AT LAW

Louis V. Fasulo, Esq. - NY & NJ
Michael E. Giordano, Esq. - NY & NJ
Charles DiMaggio, Esq. - NY

www.fgdmlaw.com

December 5, 2023

Hon. Katherine Polk Failla
United States District Court for the
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Haxhaj, et. al. (Francisco Ortega)*
Case No.: 21 Cr. 17 (KPF)

Dear Judge Failla,

I was assigned to represent Francisco Ortega, who has a sentencing hearing scheduled for 3:00 pm today, December 5. For the reasons stated herein, I respectfully request that the sentencing hearing be adjourned.

Yesterday evening, I began to suffer from chills and a fever. Per the attached medical documentation, I was diagnosed with the Flu and informed that this is the contagious stage of the virus. As a result, I am unable to attend the sentencing hearing for Mr. Ortega today and request an adjournment to the week of January 8. Said adjournment will allow sufficient time to fully recover from the Flu, as well as take into account a previously scheduled trip which I have scheduled from mid-December through the first week of January.

I am available anytime on January 8 and 9, the afternoon of January 10, and on January 11, except for 12pm to 1pm, at which time I have a status conference before Judge Preska.

I thank the Court for its consideration of this matter.

Respectfully submitted,

s/Louis V. Fasulo

Louis V. Fasulo
Fasulo Giordano & DiMaggio, LLP.
225 Broadway, Suite 715
New York, New York 10007
Tel: (212) 566 6213
Email: LFasulo@FGDMLaw.com

Cc: AUSA

The Court understands that counsel for the Defendant requests an adjournment of Mr. Ortega's sentencing to the week of January 8, 2024, to allow sufficient time for Mr. Fasulo to recover from the flu and accommodate his planned trip. Application GRANTED. The sentencing scheduled for December 5, 2023, is hereby ADJOURNED to **January 11, 2024**, at **3:00 p.m.**

The Clerk of the Court is directed to terminate the pending motion at docket number 273.

Dated: December 5, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE